

REMARKS

In the Office Action, the Examiner rejected claim 1 under the second paragraph of section 112, rejected claims 1 – 16 as obvious over Dragosh et al in view of Suthar.

The Amendment cover sheet mistakenly identifies claim 17 as rejected rather than as withdrawn. Correction is requested.

35 USC §112, 2nd ¶

Applicant submits that the person of ordinary skill would understand the meaning of the term “photo-realistic” as used in the claim and in the specification. The specification describes the display of the food item in paragraph 0007 as “a photo-realistic image of the finished pizza including the selected ingredients whereby the customer can see the final product at the time the order is being placed to catch errors, prevent mistakes and further improve customer satisfaction.” In paragraph 0024, “the system will display a photo- realistic image of the pizza being ordered in display region 101. In this manner the user can visually confirm the order and detect a user or system error and modify the order. In one embodiment the displayed photo-realistic image may be that of a finished cooked pizza having the ingredients and locations as specified by the customer.”

Given this description, the term is readily understood the by reader of the present application. Withdrawal of the rejection is hereby requested.

35 USC §103(a)

The Dragosh reference discloses speech recognition in a packet switched network. The example provided in the reference is that of voice ordering of a pizza. The Examiner acknowledges that an image of the ordered food item is not displayed to the customer.

The Suthar reference discloses an electronic menu for a restaurant wherein a customer may select food items, choose to have the food item prepared more or less spicy and may have a food item displayed on the electronic menu. Figure 34 shows a photo screen of a menu item, wherein four dishes of kulfi (ice cream) are shown. No teaching is found that the actual food item according to the order of the customer is depicted in photo. If the customer where to order only two dishes of ice cream or where to request a topping on the ice cream, there is no

teaching that the photo would be changed from the photo depicting the four un-topped dishes of ice cream to actually display food according to the customer's order.

Suthar does not disclose that the photo-realistic display of the food item is shown according to the custom order of the customer. The present invention provides that the displayed photo-realistic image shows the pizza with the custom ingredients as identified in the order. The present application teaches that a customer ordering a pizza may customize that order by adding or subtracting ingredients and by designating different portions of the pizza to receive the ingredients. The photo-realistic display of the pizza shows the custom order with the ingredients according to the custom order. For example, a pizza order for a large pizza with double pepperoni over the whole pizza and with sausage over half of the pizza, is confirmed to the customer by displaying a photo-realistic image of a large pizza with double pepperoni over the whole pizza and sausage over only half of the pizza.

The combined teachings of the art fail to show or suggest the claimed invention. Claims 1 and 16 have been amended to more distinctly claim the features which are lacking in the cited art. The present claims therefore are directed to a non-obvious improvement over the cited prior art.

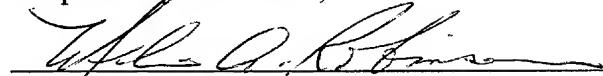
Conclusion

Applicants respectfully request favorable reconsideration and allowance of the present application in view of the forgoing.

Deposit Account Information

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to account no. 501519.

Respectfully submitted,



Melvin A. Robinson (Reg. No. 31,870)

Schiff Hardin LLP

Patent Department

6600 Sears Tower

Chicago, Illinois 60606

Telephone: 312-258-5785

CUSTOMER NO. 26574

ATTORNEY FOR APPLICANT